



Settlement from your Sofa

As COVID-19 brings increased uncertainty and risk, the opportunity remains to eliminate the uncertainty and risk of litigation through a mediated settlement.

Beverly-Ann Rogers as mediator and **Constance McDonnell QC** as counsel discuss their recent experiences of virtual mediation.

Beverly, hosting the mediation, comments how easy it was, using the Zoom technology, to enable different groups to meet and have private discussions in virtual breakout rooms. *'In a mediation with three parties, including a lay client on the other side of the world, various groupings between parties and lawyers took place as seamlessly as if they had all been in the same building.'* The availability of virtual meetings has also encouraged pre-mediation meetings with both lawyers and clients and, where the dispute does not settle on the day, follow-up virtual meetings to continue the

negotiation and bring the matter to resolution. When face to face mediations are possible again, virtual meetings with lawyers and clients, both before and after the mediation, may well become routine and a lasting benefit of the enforced use of technology.

From Constance's perspective, representing parties to the dispute, the process of remote mediation was a great success. The lay clients joined from their own homes and seemed more relaxed than they might have been in a hired venue or solicitor's offices. The virtual process also saved both time and money. Constance comments that *'we were able to speak to each other as we would have done across a table. I didn't detect any downside and I think this may well be the future. I will certainly recommend it to other clients.'*

Constance's solicitor declared herself a convert: *'I have to say I was very sceptical about how effective a virtual mediation would be*

but I am a total convert. The process itself was much more relaxed and it was still possible to read our clients' body language and pick up cues from that remotely. My favourite part was the fact that when it finished I was home from the office in 15 minutes rather than being faced with a three hour journey!'



Beverly-Ann Rogers



Constance McDonnell QC

